

FACSIMILE COVER SHEET**TO: Mamie P. Person**

Company: US Patent and Trademark Office

Fax No.: 703/305-3230

Phone No.: 703/305-3737

Patents, Trademarks and Related Matters

Killworth, Gottman, Hagan & Schaeff, L.L.P.

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Date: March 27, 2002

Pages: 7

(including cover page)

Our Docket No.: BIO 0753 PA

Transmission No.: _____

☒ ORIGINAL WILL NOT FOLLOW☐ ORIGINAL WILL FOLLOW BY:☐ REGULAR MAIL☐ EXPRESS MAIL☐ HAND DELIVERY**Remarks: Appln. Serial No. 09/720,314**

Pursuant to a telephone conversation with Mamie P. Person on today's date, attached is a copy of our Response to Notification of Missing Requirements timely submitted to the PTO on 10/19/01 along with a copy of our return receipt postcard. To date, we have not received the official Filing Receipt in the above-identified application.

I look forward to hearing from you regarding the status of the filing receipt in due course.

If you have any questions, please feel free to call.

Best regards,

Amy Marshall

Legal Secretary for Susan M. Luna, Patent Agent

CONFIDENTIAL FACSIMILE COMMUNICATIONS

The information contained in this facsimile message, and any and all accompanying documents, constitutes confidential information which is the property of Killworth, Gottman, Hagan & Schaeff. If you are not the intended recipient of this information, any disclosure, copying, distribution, or taking of any action in reliance on this information, is strictly prohibited. If you have received this facsimile message in error, please notify us immediately to make arrangements for its return to us. Thank you.

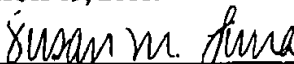
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Stefano Donadio et al.
Serial No. : 09/720,314
Filing Date : December 22, 2000
Title : METHODS FOR TRANSFERRING THE CAPABILITY TO PRODUCE
A NATURAL PRODUCT INTO A SUITABLE PRODUCTION HOST
Docket : BIO 0753 PA

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

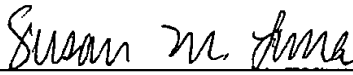
CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 19, 2001.	
	
Agent	Reg. No. 38,769

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

In response to the Notice mailed August 30, 2001, applicants submit herewith a substitute computer readable form of the Sequence Listing on a diskette in accordance with 37 CFR 1.821-1.825, a statement that the sequence listing contains new no matter, and a copy of the Notice.

Respectfully submitted,

KILLWORTH, GOTTMAN, HAGAN & SCHAEFF, LLP

By 
Susan M. Luna
Registration No. 38,769

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STATEMENT

In connection with US patent application 09/720,314
national phase of PCT N. PCT/EP99/04079

in the name of: BIOSEARCH ITALIA S.p.A.

I, Renato SGARBI

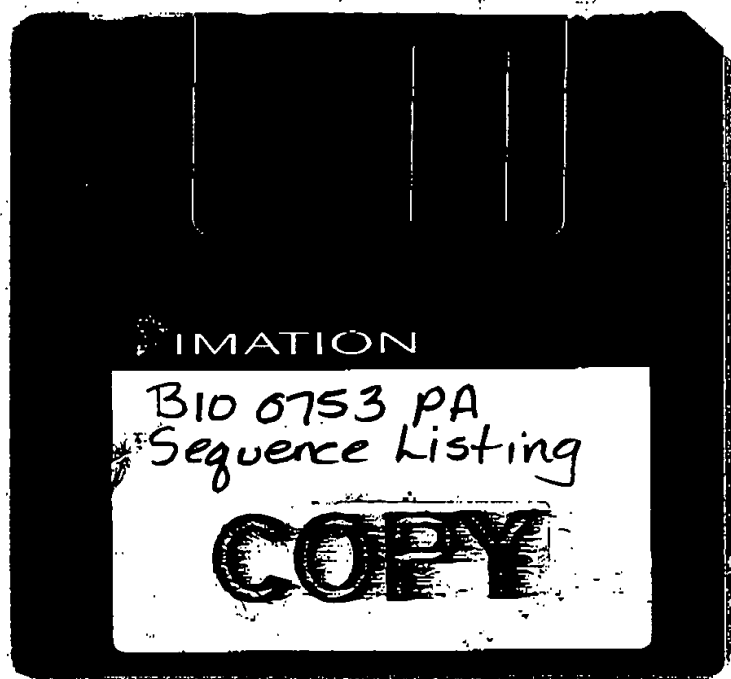
In my capacity of Patent Attorney of the firm Ing. A. Giambrocono & C. S.r.l., seating in Via
Rosolino Pilo 19/B - 20129 MILANO - IT

DECLARE

hereby that the sequence listing recorded in the present diskette exactly corresponds to the
sequence listing contained in the specification of the US application identified above and
includes no new matter.

Executed at Milan, this 5th day of October 2001


Renato Sgarbi





SEP 04 2001
fickler and 9/1/01
BIO 0753 PA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/720314

DONADIO

S

BIOP 0753 PA

INTERNATIONAL APPLICATION NO.

PCT/EP99/04079

I.A. FILING DATE

PRIORITY DATE

14 JUN 99

23 JUN 98

DATE MAILED:

30 AUG 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

☐ PCT/DO/EO/920

Mamie P. Person *MP*

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3737



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/720314	DONADIO	S BIOP 0753 PA

SUSAN M LUNA
KILLWORTH GOTTMAN HAGAN & SCHAEFF
ONE SOUTH MAIN STREET SUITE 500
ONE DAYTON CENTRE
DAYTON, OH 45402 2023

INTERNATIONAL APPLICATION NO.

PCT/EP99/04079

I.A. FILING DATE

PRIORITY DATE

14 JUN 99

23 JUN 98

DATE MAILED:

30 AUG 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☐ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☒ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Mamie P. Person

Telephone: 703-305-3737

FORM PCT/DO/EO/920 (March 2001)

PLEASE PRINT OR OTHERWISE INDICATE DATE OF RECEIPT
OF ACCOMPANYING PAPERS AND RETURN TO US

Papers: Response To Notification Of Missing Requirements Under 35 USC 371, Statement, Copy of Notification
Of Missing Requirements Under 35 USC 371, and Sequence Listing on diskette

Inventor(s): Stefano Donadio et al.

Title: METHODS FOR TRANSFERRING THE CAPABILITY TO PRODUCE A NATURAL PRODUCT
INTO A SUITABLE PRODUCTION HOST

Serial No.: 09/720,314

JCO7 Rec'd PCT/PTO 03 DEC 2001

Docket No.: BIO 0753 PA

Date Due: 10/30/01

SML/ems

October 19, 2001



DEC 22 2001

*** RX REPORT ***

RECEPTION OK

TX/RX NO	6254
CONNECTION TEL	937 223 0724
SUBADDRESS	
CONNECTION ID	KILLWORTH ET AL
ST. TIME	03/27 09:55
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RESULT	OK